

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: OCTOBER 25, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-23086 - APPLICANT/OWNER: DURANGO AND CENTENNIAL, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Conformance to the conditions for Variance (VAR-24502) and Site Development Plan Review (SDR-9825) if approved.
2. A Waiver from Town Center Development Standards for distance separation to a residential parcel is hereby approved, to allow a distance separation of 350 feet to a residential parcel where 400 feet is the minimum separation distance required.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Massage Establishment use within a proposed salon and day spa. The approved 14,689 square foot commercial center on which this proposed use is to be located is on 1.97 acres located at 6461 North Durango Drive, Suites 110 through 140. This application is to allow 313 square feet of the 4,062 square-foot salon and day spa to provide massage related services.

The subject proposal does not meet all Town Center Development Standards for a Massage Establishment use. There is a deviation requested to allow a waiver of the distance separation to a residential parcel. This use is not compatible with the surrounding residential area and significantly impacts the parking of this development. As this use is not in keeping with the objectives and goals of the SC-TC (Service Commercial Town Center) Special Land Use Designation, denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request. The Planning Commission and staff recommended approval.
11/01/00	The City Council approved a request for a Site Development Plan Review [Z-0076-98(18)] which allowed a 8,144 square foot commercial development on 2.19 acres at the northwest corner of the intersection of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
11/01/00	The City Council approved a request for a Special Use Permit (U-0116-00) to allow a restaurant with drive-through at the northwest corner of the intersection of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
11/01/00	The City Council approved a request for a Special Use Permit (U-0161-00) to allow restricted gaming in conjunction with a proposed convenience store at the northwest corner of the intersection of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
11/01/00	The City Council approved a request for a Special Use Permit (U-0115-00) to allow the sale of packaged liquor for off-premise consumption in conjunction with a proposed convenience store at the northwest corner of the intersection of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].

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11/01/00	The City Council approved a request for a Special Use Permit (U-0114-00) to allow for gasoline sales in conjunction with a proposed convenience store at the northwest corner of the intersection of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
10/04/01	Staff administratively approved a Final Map Technical Review (FM-0051-01) for the El Capitan / Centennial Commercial Subdivision.
12/18/02	The City Council approved a request for an Extension of Time (EOT-1028) of an approved Site Development Plan Review [Z-0076-98(18)] which allowed a 8,144 square foot commercial development on 2.19 acres adjacent to the northwest corner of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
12/18/02	The City Council approved a request for an Extension of Time (EOT-1036) of an approved Special Use Permit (U-0116-00) which allowed a restaurant with drive-through adjacent to the northwest corner of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
12/18/02	The City Council approved a request for an Extension of Time (EOT-1037) of an approved Special Use Permit (U-0161-00) which allowed restricted gaming in conjunction with a convenience store adjacent to the northwest corner of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
12/18/02	The City Council approved a request for an Extension of Time (EOT-1038) of an approved Special Use Permit (U-0115-00) which allowed the sale of packaged liquor for off-premise consumption in conjunction with a convenience store adjacent to the northwest corner of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
12/18/02	The City Council approved a request for an Extension of Time (EOT-1039) of an approved Special Use Permit (U-0114-00) which allowed fuel pumps in conjunction with convenience store adjacent to the northwest corner of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
11/17/04	The City Council approved a request for an Extension of Time (EOT-5437) of an approved Special Use Permit (U-0116-00) which allowed a restaurant with drive-through on 2.19 acres adjacent to the northwest corner of Centennial Parkway and Durango Drive.
11/17/04	The City Council approved a request for an Extension of Time (EOT-5438) of an approved Special Use Permit (U-0161-00) which allowed restricted gaming in conjunction with a convenience store on 2.19 acres adjacent to the northwest corner of Centennial Parkway and Durango Drive.
11/17/04	The City Council approved a request for an Extension of Time (EOT-5439) of an approved Special Use Permit (U-0115-00) which allowed the sale of packaged liquor for off-premise consumption in conjunction with a convenience store on 2.19 acres adjacent to the northwest corner of Centennial Parkway and Durango Drive.

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11/17/04	The City Council approved a request for an Extension of Time (EOT-5440) of an approved Special Use Permit (U-0114-00) which allowed fuel pumps in conjunction with a proposed convenience store on 2.19 acres adjacent to the northwest corner of Centennial Parkway and Durango Drive.
12/01/05	The Planning Commission approved a Site Development Plan Review (SDR-9825) for a proposed 18,000 square foot retail development and waivers of the Town Center Development Standards for building placement and the parking lot and perimeter landscaping requirements. Condition number one required all previously approved Special Use Permits on the subject site to be expunged. Staff recommended approval.
06/07/06	The City Council approved a request to Vacate (VAC-12542) a U.S. Government Patent Easement generally located at the northwest corner of Durango Drive and Centennial Parkway.
07/18/07	The City Council denied an appeal of the Planning Commission denial of a request for a Special Use Permit (SUP-20608) to allow an Auto Title Loan and Financial Institution, Specified use at 6441 North Durango Drive, Suite #120. Staff recommended denial.
10/25/07	A companion Variance (VAR-24502) will be heard concurrently with this item.
<b><i>Related Building Permits/Business Licenses</i></b>	
02/28/06	A building permit application, plan check C-0212-06, was submitted for the site. This was for a plan check review for Retail Shell Building A at 6441 North Durango Drive. This permit (06007543) was reviewed and approved by the Planning and Development Department on 12/13/06 and issued by the Building and Safety Department 12/29/06. There have been multiple revisions reviewed in connection with this permit, with the latest being issued on 09/12/07.
08/10/06	A building permit application, plan check C-0212-06, was submitted for the site. This was for a plan check review for Retail Shell Building B at 6401 North Durango Drive. This permit (06007539) was issued by the Building and Safety Department 12/29/06. There have been multiple revisions reviewed in connection with this permit, with the latest being issued on 09/12/07.
08/10/06	A building permit application, plan check C-0212-06, was submitted for the site. This was for a plan check review for Retail Shell Building C at 6461 North Durango Drive. This permit (06007542) was issued by the Building and Safety Department 12/29/06. There have been multiple revisions reviewed in connection with this permit, with the latest being issued on 09/12/07.
06/19/07	A business license, B05-93968, for a Cosmetological Establishment category license was processed in by the Department of Finance and Business Services. This license was approved by the Planning and Development Department on 06/26/07, but has not been issued as of 10/04/07.

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06/19/07	A business license, M03-93967, for a Massage Establishment category license was processed in by the Department of Finance and Business Services. This license has been denied by the Planning and Development Department pending approval of this application and the companion Variance (VAR-24502) for parking. This license has not been issued as of 10/04/07.
06/19/07	A business license, Q07-93969, for a Medical Firm category license was processed in by the Department of Finance and Business Services. This license was approved by the Planning and Development Department on 06/26/07, but has not been issued as of 10/04/07.
07/03/07	A business license, B08-94310, for a Beauty/Cosmetics Sales category license was processed in by the Department of Finance and Business Services. This license has not been sent to the Planning and Development Department for review nor has this license been issued as of 10/04/07.
07/13/07	A building permit application, plan check TI-93820, was submitted for the site. This was for a plan check review for the tenant improvement to obtain a Certificate of Occupancy for the proposed Day Spa at 6461 North Durango Drive. This permit was reviewed and denied by the Planning and Development Department on 08/21/07 pending approval of this application and the companion Variance (VAR-24502) for parking. This permit has not been issued as of 10/04/07.
<b><i>Pre-Application Meeting</i></b>	
06/28/07	A pre-application meeting was held and elements of this application were discussed. Parking requirements were talked about. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
10/16/07	A neighborhood meeting is scheduled to be held at the Centennial Hills Community Center, 6601 North Buffalo Drive, at 5:30 pm.

<b><i>Field Check</i></b>	
07/16/07	The Department of Planning and Development conducted a site visit that found that this site is near completion of the building construction. There is still work to do in the parking area and tenant improvements to be performed within the shell buildings.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.02
Net Acres	1.97

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped (Commercial Center Under Construction)	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
North	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
South	Undeveloped	Clark County	Clark County
East	Undeveloped	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
West	Undeveloped	SC-TC (Service Commercial – Town Center)	T-C (Town Center)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
T-C Town Center District	X		N *
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
T-C (Town Center) District	X		N *
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

\* The proposed Massage Establishment use does not meet the minimum distance separation to a residential parcel. A waiver of the distance separation has been requested as a part of this use permit application, which would grant relief from the city standard.

## DEVELOPMENT STANDARDS

*Pursuant to Town Center Development Standards; Title 19.04; and 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store	4,784 SF	1 Space / 175 SF	26 Spaces	2 Spaces	26 Spaces	2 Spaces	Y

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Restaurant (without drive-through)	654 SF (Seating) 1,512 SF (Remaining)	1 Space / 50 SF (Seating) + 1 Space / 200 SF (Remaining)	20 Spaces	2 Spaces	20 Spaces	2 Spaces	Y
Office , other than listed	943 SF	1 Space / 300 SF	4 Spaces		4 Spaces		Y
Dry Cleaners	1,600 SF	1 Space / 250 SF	7 Spaces		7 Spaces		Y
General Personal Service	5,181 SF						
-- Tanning Salon	6 Beds	2 Spaces / Tanning Bed	12 Spaces		12 Spaces		Y
-- Beauty Shop	9 Stations	3 Spaces / Station	26 Spaces	1 Space	22 Spaces	1 Space	N *
-- Nail Salon	7 Stations	2 Spaces / Station	14 Spaces		3 Spaces		N *
-- Massage Establishment	7 Rooms	2 Spaces / Massage Room (min. of 6 spaces)	14 Spaces		3 Spaces		N *
Sub-Total			123 Spaces	5 Spaces	97 Spaces	5 Spaces	N *
TOTAL (including handicap)	14,674 SF of Tenant Square Footage		128 Spaces		102 Spaces		N *
Percent Deviation			20.3% Reduction Requested				
Loading Spaces	14,674 SF	2 Spaces @ 10,000 SF to 29,999 SF	2 Spaces		2 Spaces		Y

\* If approved, the companion Variance (VAR-24502) would allow 102 parking spaces where 128 parking spaces are required, thus granting relief from the city standard.

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<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow a distance separation of as little as 350 feet to a parcel zoned for residential use	The use may not be located within 400 feet of any church, synagogue, school, city park, child care facility or any parcel zoned for residential use	Denial

## **ANALYSIS**

The subject property has a General Plan designation of TC (Town Center). This is intended to be the principal employment center for the Northwest and is a mixed-use development category. As compatibility allows, a mix of uses can include: mall facilities; high-density residential uses; planned business, office and industrial parks; and recreational uses. The zoning of T-C (Town Center) with a SC-TC (Service Commercial-Town Center) special land use designation complies with this designation. Projects located within the Town Center area are subject to the Town Center Development Standards as well as Title 19.

Massage Establishment uses are allowed within a SC-TC (Service Commercial-Town Center) special land use designation under the T-C (Town Center) zoning district with the approval of a Special Use Permit. The proposed use would be incorporated into an approved 14,689 square foot commercial center.

There are Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed massage establishment use. The separation requirements within Town Center are described below.

Minimum Requirements of Approval for a Massage Establishment use in a SC-TC (Service Commercial-Town Center) special land use designation are:

- a. The use shall comply with all applicable requirements of LVMC 6;
- b. The use must be located on a secondary thoroughfare or larger;
- c. The use may not be located within 400 feet of any church, synagogue, school, city park, child care facility or any parcel zoned for residential use;
- d. The use may not be located within 1,000 feet of any other massage establishment; and
- e. The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m.

Due the existing residential parcels less than 400 feet to the south and west, the proposed Massage Establishment needs a waiver to deviate from requirement "c" above. Staff is recommending denial of the requested waiver.

The proposed Massage Establishment use does not meet the minimum requirements of approval per the Town Center Development Standards. The distance separation waiver requested is



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recommended for denial. This special use permit has been submitted in conjunction with a Variance (VAR-24502) to allow a deviation from parking standards needed in order to locate the proposed day spa and massage establishment use within the subject commercial development. Due to the incompatibility of this use with the residential neighborhoods to the south and west and the detriment of this use to the development's parking situation, staff is recommending denial of this special use permit.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is not consistent with city standards and is not compatible with existing development in the Town Center plan area, as there is a need for a waiver of the distance separation from the use to residential parcels to the south and west of the subject site.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The project is located near the intersection of North Durango Drive and CC 215, where the Town Center Development Standards encourage the placement of commercial establishments and similar uses. This being said, the proposed project, which includes this Massage Establishment use, has an intensity and corresponding parking requirement that exceeds the capacity of the location's approved site plan and requires a Variance (VAR-24502) to deviate from parking standards.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The project has direct access to Durango Drive (a 120-foot Town Center Parkway Arterial) and Centennial Parkway (a 100-foot Primary Arterial). The use will not have an adverse effect on the capacity of the street.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this use should not compromise the overall health, safety and public welfare

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as regular inspections are a part of the business licensing process. However, the need for a waiver of the distance separation from a protected use (residential parcels) is inconsistent with the protection of overall health, safety and public welfare.

**5. The use meets all of the applicable conditions per Title 19.04.**

The use does not meet all applicable condition of the Town Center Development Standards. The use requires a waiver of the distance separation to a residential use.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

3

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 123

**APPROVALS** 0

**PROTESTS** 0